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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,296	08/18/2003	Stephen F. Gass	SDT 342	4191
27630	7590	02/02/2006	EXAMINER	
SD3, LLC 25977 S.W. Canyon Creek Road, Suite G WILSONVILLE, OR 97070			PRONE, JASON D	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 02/02/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,296

Applicant(s)

GASS ET AL.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 11-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 11-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/19/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Banion et al. (2004/0226424).

Claim 1:

O'Banion discloses the same invention including a miter saw (10) comprising a base adapted to support a work piece during cutting (42), a fence on the base (56), a motor (48), a rotatable circular blade with teeth around its periphery driven by the motor (52), a pivot arm assembly associated with the base and supporting the blade (32), and the pivot arm assembly is adapted to pivot toward and away from the base to move the blade toward and away from the base (32).

O'Banion further discloses a safety system (20) having a detection subsystem (12) adapted to detect the occurrence of an unsafe condition between a person and the blade (Abstract lines 1-2), a reaction subsystem adapted to mitigate the unsafe condition (14dd), and the reaction system includes a brake mechanism (14dd)

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positioned adjacent the blade (Fig. 55) and adapted to pivot into the teeth of the blade to engage the blade (Paragraph [0239] lines 4-5).

Claims 11 and 12:

In regards to claim 11, O'Banion discloses the same invention including a miter saw (10) comprising a base adapted to support a work piece during cutting (42), a fence on the base (56), a motor (48), a rotatable circular blade with teeth around its periphery driven by the motor (52), a pivot arm assembly associated with the base and supporting the blade (32), and the pivot arm assembly is adapted to pivot toward and away from the base to move the blade toward and away from the base (32).

In regards to claim 11, O'Banion further discloses a safety system (20) having a detection subsystem (12) adapted to detect the occurrence of an unsafe condition between a person and the blade (Abstract lines 1-2), a reaction subsystem adapted to mitigate the unsafe condition (14dd), and the reaction system includes a brake means (14dd) for pivoting into the teeth of the blade to stop rotation of the blade if an unsafe condition is detected by the detection subsystem (Paragraph [0239] lines 4-5).

In regards to claim 12, O'Banion discloses the brake means is supported by a support arm means (762) for holding the brake means adjacent the teeth of the blade (Fig. 55).

Claim 13:

O'Banion discloses the same invention including a miter saw (10) comprising a base adapted to support a work piece during cutting (42), a fence on the base (56), a motor (48), a rotatable circular blade with teeth around its periphery driven by the motor

(52), a pivot arm assembly associated with the base and supporting the blade (32), and the pivot arm assembly is adapted to pivot toward and away from the base to move the blade toward and away from the base (32).

O'Banion further discloses a safety system (20) having a detection subsystem (12) adapted to detect the occurrence of an unsafe condition between a person and the blade (Abstract lines 1-2), a reaction subsystem adapted to mitigate the unsafe condition (14dd), and the reaction system includes a brake (14dd) configured to pivot into the teeth of the blade to engage the blade (Paragraph [0239] lines 4-5) around an axis generally perpendicular to the plane of the blade (Fig. 55).

Response to Arguments

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 25, 2006

A handwritten signature in black ink, appearing to read "Jason Prone", written in a cursive style.

Patent Examiner
Jason Prone
Art Unit 3724
T.C. 3700